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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,103	03/26/2001	Wesley Smith	0891-PC/NC	6241

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/816,103

Applicant(s)

SMITH, WESLEY

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

Claims 1-21 are currently presented and have been examined.

***Response to Arguments***

Applicant's arguments filed 18 February 2005 have been fully considered but they are not persuasive.

The Applicant argues that Defries does not teach or suggest any solution to the numerous known problems of limited bandwidth when transmitting data over powerlines. The Examiner notes that the claims do not recite any particular method or system of solving these problems aside from what is currently claimed, therefore, this argument is moot. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant argues that Defries or any other reference does not teach or suggest sending signals over a powerline that are from within the computer itself. The Examiner is not persuaded by this argument. Defries discloses:

"...the present invention provides for bidirectional isochronous use of the bandwidth, for example, for interactive video, data or information transfer." (column 6, lines 19-21)

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"The present invention provides an increased available bandwidth over any conduit, whether conductive or non-conductive." (column 4, lines 60-62)

"The active logic interconnections are hardware and software interfaces that are specifically designed for the particular conduit (e.g. powerline...)..." (column 15, lines 64-67)

In view of the disclosures of Defries and the Examiner's broadest reasonable interpretation as required under MPEP 2111, Defries does disclose sending signals that are from within the computer itself over a powerline or "bidirectional isochronous use of the bandwidth" such as "interactive video" over a "powerline" conduit. The Examiner cites supporting prior art wherein "isochronous" is known within the art to mean transmitting data that requires a minimum data rate of transfer such as audio or video and wherein "interactive" is known within the art to mean interaction wherein the input and output is interleaved and wherein the interaction is typically used through a text or graphical-based interface. Therefore, the "interactive video" on a "bidirectional isochronous" conduit as disclosed within Defries shows that Defries contemplated the use of interactive video over a conduit such as a powerline, allowing the user to send control signals based from a computer

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that are used by the user to interact via a user interface with another computer that sends video data using an application program to the user. The use of the term "isochronous" also shows that Defries contemplates the use of video over the powerline conduit. Therefore, Defries discloses the limitations of the claim.

Further, the claims contain only a nominal recitation of the transfer of signals over a powerline and, as noted above, do not specifically claim any sort of particular method or system for accomplishing the transfer of signals over a powerline. Transfer of signals that are internal control signals to another computer for the purposes of controlling an application program within the other computer *per se* is known within the art. Also, transfer of data such as internal control signals or audio or video data or any other sort of data over a conduit such as a powerline *per se* is also known within the art. The Examiner cites supporting prior art for these statements. Therefore, the nominal recitation of transfer of internal computer signals and video or audio data over a powerline to control an applications program in a remote computer within the claims holds little patentable weight and do not place the claims in condition for allowance.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 178 217 B1 to Defries et al.

Regarding claim 1, Defries discloses a computer system for use over electrical power supply lines, the computer system comprising:

a server (referred to throughout Defries as "transmitter") operating an applications program generating video display output data, compressing the video display output data to generate compressed video data ("MPEG"; column 6, lines 19-21; column 14, lines 57-64) and transmitting the compressed video data over a power bus ("conduit", more specifically "powerline"; column 15, line 64-column 16, line 13; column 17, lines 3-9);

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a power bus connected to said server for receiving the compressed video data ("conduit", more specifically "powerline"; column 15, line 64-column 16, line 13; column 17, lines 3-9); and

at least one terminal ("receiver") coupled to said power bus receiving the compressed video data, decompressing the video data and displaying the video data to produce the video display output data for the applications program, and generating a video display from the video display output data on a local monitor, said at least one terminal further including an input device for receiving input signals from a user for controlling the applications program on the server system and for compressing the input signals as compressed input data and transmitting the compressed input data over the power bus, wherein the power bus receives the compressed input data and transmits said compressed input data to said server, said server decompressing said input data and controlling the applications program in response to the input signals. ("interactive video" and "bidirectional isochronous use of the bandwidth"; column 6, lines 19-21; column 14, lines 57-64).

Regarding claim 2, Defries discloses the computer system according to claim 1, wherein said server comprises:

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a coder for generating the compressed video data as video change data ("MPEG"); (column 14, lines 57-64) and

a first modem ("mixer"; Figure 2, element 212), for generating a first channel of compressed video data on the power bus (column 8, lines 40-57; column 6, lines 19-21; column 6, line 48-column 7, line 10; column 14, lines 57-64).

Regarding claim 3, Defries discloses the computer system according to claim 2, wherein said at least one terminal further comprises:

a second modem ("mixer"; Figure 2, element 224), for receiving the first channel of compressed video data from the power bus (column 8, lines 40-57; column 6, lines 19-21; column 14, lines 57-64), and

a decoder for generating video data from the video change data ("MPEG") received from the first channel of compressed video data. (column 14, lines 57-64)

Regarding claim 4, Defries discloses the computer system according to claim 3, wherein said at least one terminal further comprises:

a coder for generating the compressed input data from the user input signals; wherein said second modem in least one terminal generates a second channel of compressed input data on



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the power bus. ("interactive video"; column 6, lines 19-21; column 6, line 48-column 7, line 10; column 14, lines 57-64)

Regarding claim 5, Defries discloses the computer system according to claim 4, wherein said first modem in said server receives the second channel of compressed input data from the power bus, wherein said server further comprises a decoder for generating input signals from the compressed input data from the second channel of compressed input data. ("interactive video"; column 6, lines 19-21; column 14, lines 57-64)

Regarding claim 6, Defries discloses a computer system of claim 5, wherein said first channel substantially larger in bandwidth than said second channel. (column 6, line 48-column 7, line 10, specifically column 6, lines 59-64)

Regarding claim 7, Defries discloses the computer system of claim 6, wherein said second channel comprises a keyboard compressed data channel and a mouse compressed data channel, and wherein said user input signals comprise mouse and keyboard inputs. ("interactive video"; column 6, lines 19-21; column 14, lines 57-64)

Claims 8-12 are also rejected since these claims recite a client terminal that contain substantially the same limitations as recited in claims 1, 2 and 3 in combination, 4 and 5 in combination, 6, and 7 respectively.

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Claims 13-17 are also rejected since these claims recite a client terminal that contain substantially the same limitations as recited in claims 1, 2 and 3 in combination, 4 and 5 in combination, 6, and 7 respectively.

Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5 805 053 to Patel et al.

Regarding claim 18, Patel discloses a household appliance for receiving data from a household server and outputting a signal derived from the data, the appliance comprising:

a housing containing a receiver for receiving the data and an output device for deriving the signal from the data and outputting the signal; and a power cord, coupled to the housing, for plugging into a standard power outlet, for receiving alternating current (AC) power and the data over the power cord, from the household server. (column 4, lines 19-33, specifically lines 19-22; column 6, lines 25-27)

Regarding claim 19, Patel discloses the household appliance of claim 18, wherein the household appliance comprises a audio appliance, the data comprises digitized music, and the signal derived from the data comprises an analog audio output signal. ("television signals"; column 6, lines 25-34)

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Regarding claim 20, Patel discloses a household appliance for communicating with a household server, the appliance comprising:

a housing containing a transceiver for receiving data from and transmitting data to a household server; and a power cord, coupled to the housing, for plugging into a standard power outlet, for receiving alternating current (AC) power and receiving and transmitting data over the power cord, to and from the household server. (column 4, lines 19-33, specifically lines 19-22; column 6, lines 25-27)

Regarding claim 21, Patel discloses the household appliance of claim 20, wherein the data transmitted to the household appliance comprises signals for controlling the kitchen appliance and the data transmitted from the household appliance comprises signals indicating the operating status of the household appliance. ("remote control signals"; column 6, lines 25-34)

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following prior art teaches sending internal computer control signals to another computer for the purposes of controlling an application program on the other computer:

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Postel, Jon. "Request for Comments (RFC) 318: Telnet Protocol", April 1972, 16 pages;

Symantec Corporation. "pcAnywhere User's Guide", section "Introduction", Version 9.2, released 1999, 14 pages.

The following prior art teaches sending and receiving signals such as control signals and multimedia such as audio and video over a power line communications bus:

US Patent 3 964 048 to Lusk et al;

US Patent 5 051 720 to Kittirutsunetorn;

US Patent 5 554 968 to Lee;

US Patent 5 727 025 to Maryanka;

US Patent 5 848 054 to Mosebrook et al;

US Patent 5 940 387 to Humpleman.

The following prior art generally teaches the state of the art in communications systems:

Howe, Denis. Definition of the term "interactive", originally posted 21 June 1996,  
<foldoc.doc.ic.ac.uk/foldoc/foldoc.cgi?query=interactive&action=Search>, 1 page;

Howe, Denis. Definition of the term "isochronous", originally posted 12 March 1999,  
<foldoc.doc.ic.ac.uk/foldoc/foldoc.cgi?query=isochronous&action=Search>, 1 page.

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**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

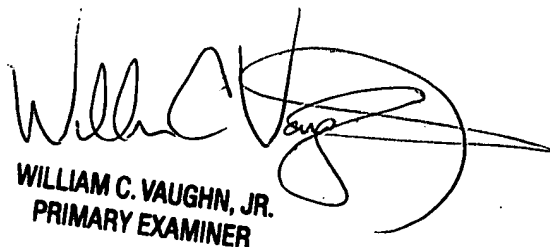
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER